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OFFICE OF PETITIONS

In re Patent No. 5,960,067
Issue Date: September 28, 1999
Application No. 08/889,776
Filed: July 8, 1997
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed by facsimile transmission on January 28, 2005¹, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued September 28, 1999. Accordingly, the first maintenance fee due could have been paid during the period from September 28, 2002 through March 28, 2003, or with a surcharge during the period from March 29, 2003 through September 28, 2003. This patent expired on September 29, 2003. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the patent. However, in accordance with 37 CFR 1.34(a), the signature of Paul Lerner appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if Mr. Lerner desires to receive future correspondence regarding this patent, an appropriate power of attorney or authorization of agent and "Fee Address" form (see PTO/SB/47) must be submitted.

¹ The petition was originally filed via certificate of mailing on October 26, 2004.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The patent file is being forwarded to Files Repository.



Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy